

**OPTOMETRY EXAMINING BOARD  
REGULAR MEETING  
MAY 30, 2003**

**MEMBERS PRESENT:** Kerry Griebenow, OD; Leon Griffin, Jr., OD; Heather Hinson, OD (by phone); Chris Hubbell, OD; Lynne LeCount; Jeff Sarazen, OD

**MEMBER EXCUSED:** Ray Heiser

**STAFF PRESENT:** Kimberly Nania, Ph.D; Bureau Director; Ruby Jefferson-Moore, Legal Counsel; Gina York, Program Assistant; and Division of Enforcement Staff for portions of the meeting

**GUESTS:** Peter Theo, WOA

**CALL TO ORDER**

Chair Chris Hubbell called the meeting to order at 9:04 a.m.

**APPROVAL OF AGENDA**

**Amendments To The Agenda:**

- ☒ Item “H” Add (H1.) ARBO Delegate
- ☒ Item “J” Add (J1) Supreme Court Case – FYI Only
- ☒ Move Item “E” Before Item “D”

**MOTION:** Jeff Sarazen moved, seconded by Leon Griffin, to approve the agenda as amended. Motion carried unanimously.

**APPROVAL OF MINUTES OF NOVEMBER 8, 2002**

**Amendments To Minutes:**

- ☒ Page 2 Under CE Requirements and Revisions: Second paragraph, first sentence delete “decided on the following” and replace with “discussed”. Add a period after the word courses. Then delete the rest of the paragraph.
- ☒ Page 2 Under Discussion Re: Mail Order Contact Lens: Third sentence in the paragraph, delete “WRA” and insert “WOA”.

**MOTION:** Lynne LeCount moved, seconded by Leon Griffin, to approve the minutes of November 8, 2002, as amended. Motion carried unanimously.

## **ELECTION OF OFFICERS**

The Board held an election for Board officers.

**MOTION:** Kerry Griebenow moved, seconded by Jeff Sarazen, to nominate that the current slate of officers be re-elected. Motion carried unanimously.

The following is the list of officers from today's election:

ELECTION RESULTS	
Board Chair	Chris Hubbell
Board Vice Chair	Leon Griffin, Jr.
Board Secretary	Lynne LeCount

## **PRESENTATION OF PROPOSED STIPULATIONS**

There were no stipulations to be presented to the Board.

## **ADMINISTRATIVE REPORT**

Kimberly Nania, Director of Bureau of Health Professions shared the latest information with the Board regarding changes and improvements in the Department. There is a new Department administration in place and all names and their positions were provided. Ten positions were identified for layoff in the Department due to budget issues and those layoffs have occurred.

There was a fee study done by Grant Thornton and a proposal was submitted to the Joint Finance Committee recommending an increase in fees. The proposal was defeated therefore, there will not be any increases at this time. All fees will remain the same.

The application forms for licensure are online and can be downloaded by individuals. Once completed, they can be mailed to the Department for processing. Sometime in the near future, the Department hopes to have applications that can be filled out online and submitted electronically. Also all code books are now online in their entirety.

Dr. Nania reviewed a memo regarding the process for agendas, submitting items, and procedure for addendums. Addendums should be a rare occurrence and only for items of an urgent nature that can not wait.

The current Board roster was reviewed. All changes indicated will be forwarded to Roxanne Peterson who updates DRL Board rosters. It was shared that there are some Boards with vacancies that still need members appointed by Governor Doyle and these should be forthcoming.

## **SUMMARY REPORT ON PENDING COURT CASES, DISCIPLINARY CASES AND ADMINISTRATIVE RULES**

Ruby Jefferson-Moore reviewed the report with the Board. Ms. Jefferson-Moore provided the status of the Optometry licensing bill, proposed revisions to Ch. 449. He informed the Board it is now being drafted and will keep the Board posted on its progress.

### **APPROVAL OF TPA COURSE 2003 FROM ILLINOIS COLLEGE OF OPTOMETRY**

The Board discussed the process for approving the TPA Course for 2003 from Illinois College of Optometry. The Board took the following action.

**MOTION:** Jeff Sarazen moved, seconded by Kerry Griebenow, to continue to have Jeff Sarazen approve TPA courses and notify Barbara Showers. Motion carried unanimously.

### **DISCUSSION REGARDING MAINTAINING A LIST OF 100 HOUR TPA COURSES**

The Board discussed maintaining a list of 100 hour TPA Courses. After much discussion, the Board took the following action.

**MOTION:** Leon Griffin moved, seconded by Kerry Griebenow, not to maintain a TPA course list and for Jeff Sarazen to continue to approve all courses and communicate the approval to the Department. Motion carried unanimously.

### **DISCUSSION AND INFORMATION REGARDING MEDICAID SERVICES REDUCTION FOR ADULT EYEGLASS – AOA (INFO ON MISSOURI)**

Information was noted by the Board.

## **DISCUSSION REGARDING CORRESPONDENCE ON CONTACT LENS PRESCRIPTIONS, LEGISLATION FROM OTHER STATES, JOHNSON & JOHNSON, AND OTHER CORRESPONDENCE PERTAINING TO CONTACT LENS PRESCRIPTIONS**

Ruby Jefferson-Moore, Legal Counsel discussed several correspondence with the Board.

Correspondence on legislation from other states regarding positive contact lens prescription law was reviewed. It was shared there is new federal legislation HR 2221 that just came out and Ms. Jefferson-Moore will obtain a copy for the Board to review. This topic will be placed on the next agenda for further discussion.

Correspondence from ARBO regarding a press release regarding a new form to use in reporting contact lenses complications. Heather Hinson will write an article regarding the complications due to contact lenses dispensed without a prescription and will give ARBO information and website. Heather Hinson will check with WOA on this topic as well.

The Board noted correspondence from Timothy Milburn, OD regarding the National Contact Lens Enforcement Petition.

The Board reviewed the correspondence from Kansas Board of Examiners in Optometry regarding the status of their litigation with 1-800-Contacts. An appeal has been filed with the Kansas Court of Appeals.

## **DISCUSSION OF PROPOSED REVISIONS TO 449**

The Board has tabled this topic and will be placed on the next meeting agenda for discussion. Ruby Jefferson-Moore will review the WOA draft and provide a copy to the Board to look at prior to the next meeting date.

## **DISCUSSION REGARDING ARBO**

## **FYI ACTIONS TAKEN AT FALL AND WINTER MEETINGS BY ACCREDITATION COUNCIL ON OPTOMETRIC EDUCATION, ANNOUNCEMENTS AND DISCUSSION**

Information noted. The Board reviewed information provided regarding actions taken at the fall and winter meetings by the Accreditation Council on Optometric Education.

## **ARBO ANNUAL MEETING**

Kimberly Nania will send a report on behalf of the Board for ARBO's Annual Meeting to be held on June 15-17, 2003 in San Diego, California.

## **ARBO DELEGATE**

The Board discussed and will not send a delegate.

## **ARBO WORKSHOP ON NATIONAL BOARDS**

The Board discussed and will not send a representative.

## **DISCUSSION OF CHANGING CE REQUIREMENTS AND REVISIONS**

The Board discussed looking at CE requirements allowed, criteria to approve courses, and verification of completion of CE requirements. The Board will revise the Administrative Rules OPT 6 regarding CE Requirements. Kerry Griebenow and Jeff Sarazen will provide a draft on how COPE categories will fit into the language. Hardship requests will come before the Board for consideration.

## **REPORT ON COPE, WILLINGNESS TO CLARIFY WHICH ARE THERAPEUTIC COURSES**

Informational.

## **DISCUSSION OF MINIMUM EYE EXAM REQUIREMENTS AND SCREENINGS AND POSSIBLE REVISIONS TO THE RULES**

The Board has tabled this topic for discussion and to be placed on the next meeting agenda.

## **SUPREME COURT CASE REGARDING MEDICAID REIMBURSEMENT**

Informational. Ruby Jefferson-Moore, Legal Counsel provided the Board with a brief update regarding the supreme court case. Ms. Jefferson-Moore will keep the Board posted of any additional or relevant information.

## **AOA CALL FOR COMMENTS ON PROPOSED CHANGES TO ACOE OPTOMETRIC RESIDENCY STANDARDS**

Informational.

**CORRESPONDENCE FROM BOARD OF OPTOMETRIC  
EXAMINERS (KENTUCKY) REGARDING A CANDIDATE FOR  
TRUSTEE TO AMERICAN REGULATORY BOARDS OF OPTOMETRY**

Informational.

**CORRESPONDENCE FROM NORMAN E. WILLIS, OD  
NATIONAL BOARD OF EXAMINERS IN OPTOMETRY**

Informational.

**CHANGE OF POLICY FOR SPONSORED CANDIDATES**

Informational.

**VISITORS' COMMENTS**

Peter Theo from WOA shared the status of the WOA draft language with the Board.

**RECESS TO CLOSED SESSION**

**MOTION:** Leon Griffin moved, seconded by Kerry Griebenow, to recess to closed session pursuant to Chapter 19.85(1)(a), (b), (f) and (g). Wis. Stats., for the purpose of consulting with DOE, deliberation of proposed stipulations, administrative warnings, adverse action reports, case closings and review case status report, discuss pending litigation, and consulting with legal counsel. Roll call vote: Heather Hinson– yes , Leon Griffin – yes, Chris Hubbell – yes, Lynne LeCount – yes, Jeff Sarazen–yes and Kerry Griebenow– yes. Motion carried unanimously.

Open session recessed at 11:44 a.m.

**RECONVENE IN OPEN SESSION**

**MOTION:** Lynne LeCount moved, seconded by Jeff Sarazen, to reconvene in open session. Motion carried unanimously.

Open session reconvened at 11:58 a.m.

## **VOTING ON ITEMS CONSIDERED AND DELIBERATED ON IN CLOSED SESSION**

There were no stipulations or administrative warnings, which required voting. There was one case closing, please see the case status report section for the Board's decision.

### **CASE STATUS REPORT**

**MOTION:** Jeff Sarazen moved, seconded by Leon Griffin, to close complaint **02 OPT 008**, for compliance gained. Motion carried unanimously.

### **INFORMATIONAL ITEMS**

The Board noted all informational items submitted for today's meeting.

### **OTHER BOARD BUSINESS**

The Board requested the following information for the next board meeting.

- Discussion Regarding CE Audits – Barbara Showers
- Next Meeting Date – July 30, 2003

Immediately following the Adjournment of today's meeting, Gail Pizarro was to review the Jurisprudence Exam with the Board. Ms. Pizarro canceled this meeting and will reschedule with the Bureau Director for the Board.

### **ADJOURNMENT**

**MOTION:** Lynne LeCount moved, seconded by Leon Griffin, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 12:04 p.m.